

Revised: 7/04

Office Use Only

Ordinance #: 1421
Date Received _____**REQUEST FOR VACATION OF AN ALLEY OR UN-BUILT RIGHT OF WAY**
TOWN OF BLACKSBURG, VIRGINIA

This application and accompanying information must be submitted in full before the vacation request can be referred to the Planning Commission and Town Council for consideration. Please contact the Planning and Engineering Department at 540-961-1126 for application deadline.

Gay and Neel, Inc.

Name of Applicant(s)

1260 Radford Street, Christiansburg, VA 24073

Address

381-6011

Phone

381-2773

Fax

Please list any additional parties included in this application:

Harriet Francis (agent: Gay and Neel, Inc.)

Location of right of way to be vacated: (survey of property or legal description of boundary)

A portion of Warren Street as shown on attached drawing.

Tax Parcel Number(s) of Property:

256-7BK-E-9, 256-7-BK-E-10 (Adjacent to R/W)Square Footage of area to be vacated: 12,547.02 S.F. (See Attached)

If there is more than one applicant, how is property to be divided?

The property will be developed as shown on the concept plan attached.

What is the intended use of the vacated property?

To construct a condominium project in conjunction with a future rezoning application.

I, We, the owner(s), agent, or contract purchaser(s) described on this application do hereby apply for the vacation of the above described alley or un-built right of way and certify the following:

1. I, We, own the property abutting the above described alley or un-built right of way.
2. I, We, will provide proof of notification of all property owners abutting the alley or un-built right of way in order to give them the opportunity to join in or file separate applications for the vacation.
3. I, We, agree that the value of the alley or un-built right of way is \$ 0.
4. I, We, agree that if a formal appraisal is required, as established by the Comprehensive Plan vacation process, the cost of the appraisal will be paid to the Town of Blacksburg before acceptance of the application.
5. I, We, agree to pay to the Town of Blacksburg the above stated price if the alley or un-built right of way is vacated.
6. I, We, agree to accept a quit-claim deed to the property and accept responsibility for ascertaining what interest the Town of Blacksburg may have in the area if vacated.
7. I, We, understand that the Town of Blacksburg makes no warranties of title of property.

Please include an application fee of **\$500.00** to be applied to the cost of advertising, the cost of first class and certified mail postage to all adjacent properties and expense incidental to reviewing, publishing, and processing this application. Please make your check or money order payable to the **Town of Blacksburg**.

Harriet Evans
Signature of Applicant(s)

8/7/06
Date

OFFICE USE ONLY

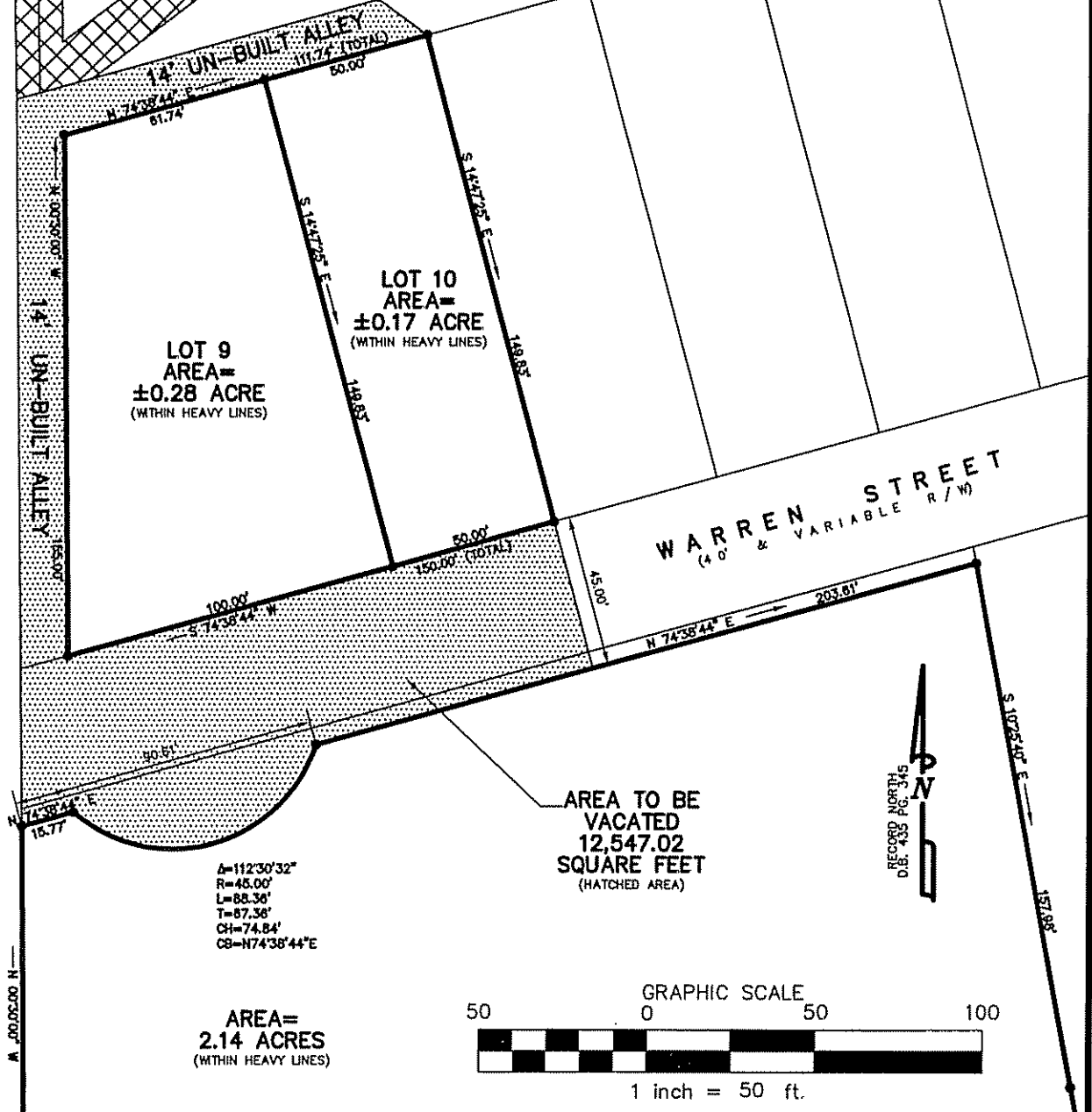
____ Comprehensive Plan Review
____ Utility Review
____ Recreation Review

____ Transit Review
____ Rear Property Access
____ Appraisal

PARCEL 1 DEDICATED
TO VPI & SU
D.B. 398 PG. 497

LOT 1
MARK SUBDIVISION
LITTLE E, L.L.C.
INST. NO. 2005001858;
P.B. 9 PG. 91

LOT 2
MARK SUBDIVISION
UNIVERSAL PROPERTIES/BLACKSBURG, L.C.
D.B. 939 PG. 836;
P.B. 16 PG. 685



GAY AND NEEL, INC.
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
SURVEYING

1260 Radford Street
Christiansburg, Virginia 24073
Phone: (540) 381-6011 Fax: (540) 381-2773
Email: info@gayandneel.com

Warren St. & Un-Built Alley
Right of Way Vacation

Town of Blacksburg, Virginia

REVISED:

DESIGNED: KDC
CHECKED:
DRAWN: KDC/KJD
SCALE: 1"=50'
DATE: 08/11/05
JOB NO. 1608.0
SHEET 1 OF 1

MEMORANDUM

TO: Environmental Quality and Land Use Committee

FROM: Steve M. Hundley, AICP, Zoning Administrator

VIA: Brandol Harvey, Chief of Planning

DATE: August 18, 2006

SUBJECT: 15:2 – 2232 Review – Ordinance 1421, Application to Vacate Built and Unbuilt Public Right-of-Way in, and adjacent to, the 500 block of Warren Street

Background

Gay and Neel, LLC is requesting that the Town vacate a 12,547.02 square foot portion of Warren Street and adjacent unbuilt right-of-way. The right-of-way proposed for vacation includes the final 164 feet at the western end of Warren, to include the cul-de-sac turn around. This section of Warren Street is approximately 9,616 square feet of asphalted public street. The substandard cul-de-sac is approximately 50 feet in diameter and is not constructed with curb, gutter or sidewalk. The properties adjacent to the right-of-way are zoned Low Density Multiunit Residential (RM-27) or University (U).

The section of Warren Street proposed for vacation is located between Stadium Apartments at 511 Warren Street [tax map 286- A 14], owned by L&M Enterprises, adjacent on the south, and 510 and 512 Warren Street [tax map 256- 7BK E 10 & 256- 7BK E 9], owned by Ms. Harriett B. Francis, adjacent to the north. The section terminates at the Virginia Tech campus [tax map 256- A 1] security fence behind the stadium.

The 14 foot wide unbuilt right-of-way proposed for vacation extends 169 feet north from the northwest edge of the Warren Street cul-de-sac, then east for 111 feet. This section is approximately 3,930 square feet in size. The section located between Virginia Tech property and 512 Warren Street contains a storm water pipe. The unbuilt section extending east is located between 515 Houston Street [tax map 256- 8 1] and both 510 & 512 Warren Street and currently serves as an open drainage swell that extends west from Center Street.

Apartment [286-A 14], is adjacent to the south side of the proposed Warren Street right of way vacation. Virginia Tech campus is east of and adjacent to all proposed vacation area. owns the two lots [located between the built portion of Warren Street and the unbuilt portion to the north.

The applicant's stated purpose is to combine the right of way area with four adjacent lots for the purpose of developing multi-family dwellings.

Neighborhood Meeting

A neighborhood meeting was held at 7 p.m. on August 10, 2006. Five members of the community as well as the contract purchasers of the adjacent properties and their representatives and applicants, Mr. John Neel and Kevin Conner of Gay and Neel, Inc., attended. Concerns and questions regarding the right-of-way vacation were primarily focused on storm water runoff and the proposed multi-family development.

Ms. Jan Downs, a tenant of 512 Warren Street, observed that storm water flows down Warren Street and floods the basement of her house. Jim Henegar, Town Engineer, stated that the applicant will be required to construct a new cul-de-sac that complies with Town street standards. The improved cul-de-sac will have curb and gutter, and must comply with storm water management standards.

Review Process

According to Section 15.2-2232 of the Code of Virginia, the vacation of public property must be consistent with the Town's Comprehensive Plan. This Section discusses unbuilt streets and sets a process for considering the vacation of unbuilt rights-of-way.

Two, *5 year Action Strategies* address the above objective and are relevant to this request. The first strategy is to "vacate an ... unbuilt rights-of-way only after evaluation of the function of that ... unbuilt rights-of-way and a determination that it serves no useful purpose in a neighborhood or in the transportation network. The second strategy is to "vacate ... unbuilt rights-of-way that are not necessary for the Town transportation system or other public purpose in accordance with the process, and the recommendations contained in the following table:"

- 1) When requests for a vacation of a right-of-way is received by the Town,
 - Make an assessment of the monetary value of ... unbuilt right-of-way according to the current assessed values of adjacent property and square footage to be vacated;
 - Provide all adjacent property owners an opportunity to apply for an equal share in the unbuilt right-of-way.
- 2) Vacate a right-of-way only when the following three conditions are met:
 - The right-of-way is judged as not important to the Town's neighborhoods in terms of providing rear access for residents, space for utilities, and a means to provide Town services;
 - The right-of-way is not important to the Town's present or future transportation network in terms of automobile, bicycle, or pedestrian traffic; and,
 - The right-of-way does not serve as the primary access to parcels.
- 3) Assess whether or not the right-of-way could be used for another public function such as a parkland or public open space.
- 4) If there are no other public functions to which the property could be used, and the town is able to claim ownership, Town will consider issuing a Quit Claim Deed.

Analysis

Item number 1 - *"Make an assessment of the monetary value of a right-of-way according to the current assessed values of adjacent property and square footage to be vacated."*

The Montgomery County Tax Assessor's assessed land value of the adjacent lots averages \$3.32 per square foot. The right-of-way is 12,547.02 square feet. Thus, the estimated monetary value of the right-of-way according to the current assessed value of adjacent property and square footage to be vacated is \$ 41,656.11.

The Town has contracted with McCray Appraisal to conduct a market appraisal of the property, at the applicant's expense. The market appraisal will be completed prior to the Town Council public hearing. The Council will have the option of applying either the tax assessed value or the market appraised value to the vacated property.

"Provide all adjacent property owners an opportunity to apply for an equal share in the unbuilt right-of-way."

All adjacent property owners have been provided the opportunity to apply for an equal share of the right-of-way that is adjacent to their properties. No adjacent property owner has expressed interest in applying for an equal share of the right-of-way.

Item number 2 - *"The right-of-way is judged as not important to the Town's neighborhoods in terms of providing rear access for residents, space for utilities, and a means to provide Town services."*

A fire hydrant is located at the end of Warren Street. This infrastructure may have to be relocated if the water mains are located in areas of potential construction. The Committee may wish to recommend that if the right-of-way is to be vacated, it be contingent on the relocation of fire hydrant water mains and any other public infrastructure in the right-of-way.

A storm water pipe is currently located in the unbuilt right-of-way parallel to the Virginia Tech security fence. This pipe could continue to be located within this area in a public easement. The drainage swale that extends west from center street appears to serve as a storm water management facility. This swale, or other type of storm water management facility, could continue within a public utility easement. The Committee may wish to recommend that if the right-of-way is to be vacated, it be contingent on adequate public utility easement to retain the current, or an improved, storm water management infrastructure.

"The right-of-way is not important to the Town's present or future transportation network in terms of automobile, bicycle, or pedestrian traffic."

The 50 foot diameter cul-de-sac does not currently comply with the Town's dimensional standards, and does not include curb and gutter or sidewalk. If the vacation is approved, the applicant will be required to construct a new cul-de-sac that complies with all Town dimensional and construction standards to include a 100 foot diameter bulb, curb and gutter, as well as sidewalk on at least one-half the circumference.

A pedestrian/bicycle access, providing ingress/egress to the Virginia Tech campus is located at the west end of the Warren Street cul-de-sac. The access consists of a space in the security fence around that part of the Virginia Tech campus. Two similar access

gates exist at the Green Street and Houston Street cul-de-sacs. The Committee may wish to recommend that if the right-of-way is to be vacated, it be contingent on the applicant providing an alternative pedestrian/bicycle access via a public easement near the current Warren Street access.

With regard to future transportation needs, the Houston/Harrell neighborhood is inadequately served. Harrell Street, between Miller Street and Houston Street provides the only public ingress/egress to the neighborhood. The neighborhood contains approximately 50 Multi-family Dwelling use buildings, a number of single-family homes and a church. Emergency service to the area would be problematic if the Miller Street / Houston Street section of Harrell Street were to become blocked. This potential problem becomes acute during game days when the neighborhood is extremely congested with both vehicles and pedestrians.

The Town Council recently directed the Planning and Engineering staff to study alternatives for a second public street to the neighborhood. There are few options available. The extension of Ingles Court would require the purchase of private property and the removal of at least one structure. Extending Harrell, Green, Warren, or Houston would require the cooperation of Virginia Tech, since the extension would cross Tech property.

"The right-of-way does not serve as the primary access to parcels."

The built right-of-way currently provides the only street access to 511 Warren Street (Stadium Apartments) and to 510 and 512 Warren Street. These adjacent properties are proposed to be developed as Multi-family Dwelling residential use if the right-of-way is approved for vacation. The Committee may wish to recommend that if the right-of-way is to be vacated, it be contingent on the approval of a Multi-family Dwelling use development. 515 Houston Street is not accessed by the right-of-way.

5) Item number 3 - *"Assess whether or not the right-of-way could be used for another public function such as a parkland or public open space."*

The unbuilt portion of the right-of-way extending west from Center Street provides a heavily vegetated buffer between residential properties. The Committee may wish to recommend that if the right-of-way is to be vacated, it be contingent on the retention of this buffer or being replacing the buffer with a different vegetative species buffer.

6) Item number 4 - *"If there are no other public functions to which the property could be used, and the town is able to claim ownership, Town will consider issuing a Quit Claim Deed."*

The Mayor, pursuant to Town Code 21-114 "Purchase by applicant as condition to vacation of street or other public way", is authorized to execute a quit claim deed conveying any interest the Town may own in the right-of-way to the abutting owners.

Conclusion

The request to vacate a 12,547.02 square foot portion of the improved Warren Street public right-of-way and adjacent unbuilt right-of-way appears to satisfy some of the criteria established by the Comprehensive Plan for consideration of vacation, contingent upon the applicant being approved for and constructing Multi-family Dwelling use.

However, the overall transportation network in the Houston-Harrell neighborhood is problematic. A second public vehicle access is needed to provide emergency service ingress/egress to the area if Harrell Street becomes impassable. A study to determine the options for a second route should help determine the future transportation infrastructure needs for the area. Therefore, the importance of Warren Street to the future transportation network can not be easily assessed at this time.

The Committee may wish to consider whether a recommendation to approve the right-of-way vacation should be contingent on the following conditions:

- That the applicant receives approval for, and completes construction of, a Multi-family Dwelling use residential development on the property.
- That adequate public utility easements are provided to retain the current, or an improved, storm water management infrastructure.
- That an alternative pedestrian/bicycle access between the remaining Warren Street right-of-way and the Virginia Tech campus be provided via a public easement in close proximity to the current Warren Street access.
- That the existing vegetative buffer between 515 Houston Street and 510/512 Warren Street be retained or be replaced with a different species of vegetative buffer.

MEMORANDUM

To: Planning Commission

From: Environmental Quality and Land Use Committee

Date: August 31, 2006

Subject: Ordinance 1421- 15.2 – 2232 Review, Application to Vacate Built and Unbuilt Public Right-of-Way in, and adjacent to, the 500 block of Warren Street

Environmental Quality and Land Use Committee Recommendation: **DENIAL**

Motion to deny passed 5-0.

For: Anderson, Crawford, Jones, Oliver, Synder-Falkinham
Against:
Abstain:
Absent:

In so recommending denial, the Environmental Quality and Land Use Committee finds that, in accordance with a 15.2 – 2232 Review, the application to vacate public right-of-way does not appear to satisfy the criteria established by the Comprehensive Plan for the approval of a vacation.



MEMORANDUM

TO: Planning Commission

FROM: Karen Drake, AICP, Town Comprehensive Planner

VIA: Adele P. Schirmer, P.E., Director of Planning & Engineering

DATE: September 1, 2006

SUBJECT: Ordinance 1421 Warren Street Right-of-Way Vacation

Ordinance 1412 requests the Town of Blacksburg vacate a 12,547 square foot portion of Warren Street and adjacent unimproved right-of-way. Warren Street lies within the Houston/Harrell Neighborhood.

There has been much discussion and review of Ordinance 1412 by staff and different committees. The purpose of this memorandum is to summarize those discussions so the Planning Commission can make an informed decision.

- 1.) Attached is a map of the Houston/Harrell neighborhood and un-built right-of-ways located with the neighborhood for general reference.
- 2.) Planning and Engineering Staff have met with the Blacksburg Police, Fire and Rescue Departments, the Blacksburg Traffic Committee and with representatives at Virginia Tech. These discussions are summarized in the attached August 26, 2006 memorandum from Jim Henagar.
- 3.) The Comprehensive Plan Task Force has reviewed the future land uses and transportation issues in the Houston/Harrell Neighborhood. Based upon Task Force discussions at their August 3rd and August 31st meetings, the Houston/Harrell Neighborhood will remain designated as a medium (transitional) density residential area in the 2006 Future Land Use Map. The neighborhood is also designated as one of the seven areas in town proposed for future mixed use developments. The Task Force determined that text will be drafted and incorporated into the Comprehensive Plan that the Houston/Harrell Neighborhood mixed use development area should only occur if:
 - a. Additional vehicular access, entering and exiting the neighborhood is provided. The Comprehensive Plan's Task Force preferred location for the additional road is closer to the Virginia Tech property so additional traffic does not disrupt the neighborhood.
 - b. And if the proposed mixed use development is of such scale and size to be compatible with the existing surrounding neighborhoods.

As the Comprehensive Plan Task Force continues its discussions, there may be additional recommendations for the Houston/Harrell neighborhood mixed use development area.

Finally, please refer to the separate Ordinance 1421 Warren Street Right-of-Way Vacation for additional details and staff analysis.

MEMORANDUM

TO: Planning Commission

FROM: Steve M. Hundley, AICP, Zoning Administrator

VIA: Brandol Harvey, Chief of Planning

DATE: September 5, 2006

SUBJECT: Updated Staff Report - 15.2 - 2232 Review— Ordinance 1421,
Application to Vacate Built and Unbuilt Public Right-of-Way in, and
adjacent to, the 500 block of Warren Street

Background

Item number 2 - "The right-of-way is judged as not important to the Town's neighborhoods in terms of providing rear access for residents, space for utilities, and a means to provide Town services."

A fire hydrant is located at the end of Warren Street. This infrastructure may have to be relocated if the water mains are located in areas of potential construction. The Commission may wish to recommend that if the right-of-way is to be vacated, that it be contingent on the relocation of fire hydrant water mains and any other public infrastructure in the right-of-way in accordance with an approved rezoning.

A storm water pipe is currently located in the unbuilt right-of-way parallel to the Virginia Tech security fence. This pipe could continue to be located within this area in a public easement. The drainage swale that extends west from center street appears to serve as a storm water management facility. This swale, or other type of storm water management facility, could continue within a public utility easement. The Commission may wish to recommend that if the right-of-way is to be vacated it be contingent on adequate public utility easement to retain the current, or an improved, storm water management infrastructure, in accordance with an approved rezoning.

"The right-of-way is not important to the Town's present or future transportation network in terms of automobile, bicycle, or pedestrian traffic."

The 50 foot diameter cul-de-sac does not currently comply with the Town's dimensional standards, and does not include curb and gutter or sidewalk. If the vacation is approved the applicant will be required to construct a new cul-de-sac that complies with all Town dimensional and construction standards to include a 100 foot diameter bulb, curb and gutter, as well as sidewalk on at least one-half the circumference, in accordance with an approved rezoning.

A pedestrian/bicycle access, providing ingress/egress to the Virginia Tech campus is located at the west end of the Warren Street cul-de-sac. The access consists of a space in the security fence around that part of the Virginia Tech campus. Two similar access gates exist at the Green Street and Houston Street cul-de-sacs. The Commission may

wish to recommend that if the right-of-way is to be vacated, that it be contingent on the applicant providing an alternative pedestrian/bicycle access via a public easement near the current Warren Street access, in accordance with an approved rezoning.

"The right-of-way does not serve as the primary access to parcels."

The built right-of-way currently provides the only street access to 511 Warren Street (Stadium Apartments) and to 510 and 512 Warren Street. These adjacent properties are proposed to be developed as Multi-family Dwelling residential use if the right-of-way is approved for vacation. The Commission may wish to recommend that if the right-of-way is to be vacated, that it be contingent on the approval of a Multi-family Dwelling use development, in accordance with an approved rezoning. 515 Houston Street is not accessed by the right-of-way.

3) Item number 3 - *"Assess whether or not the right-of-way could be used for another public function such as a parkland or public open space."*

The unbuilt portion of the right-of-way extending west from Center Street provides a heavily vegetated buffer between residential properties. The Commission may wish to recommend that if the right-of-way is to be vacated, that it be contingent on the retention of this buffer or replacing the buffer with a different vegetative species buffer, in accordance with an approved rezoning.

Conclusion

The request to vacate a 12,547.02 square foot portion of the improved Warren Street public right-of-way and adjacent unbuilt right-of-way appears to satisfy some of the criteria established by the Comprehensive Plan for consideration of vacation, contingent upon the applicant being approved for a rezoning for multi-family use. and constructing Multi-family Dwelling use. However, the overall transportation network in the Houston-Harrell neighborhood is problematic. A second public vehicle access is needed to provide emergency service ingress/egress to the area if Harrell Street becomes impassable. A study to determine the options for a second route should help determine the future transportation infrastructure needs for the area. Therefore, the importance of Warren Street to the future transportation network can not be easily assessed at this time.

The Committee may wish to consider whether a recommendation to approve the right-of-way vacation should be in accordance with an approved rezoning. contingent on the following conditions:

- ~~That the applicant receives approval for, and completes construction of, a Multi-family Dwelling use residential development on the property.~~
- ~~That adequate public utility easements are provided to retain the current, or an improved, storm water management infrastructure.~~
- ~~That an alternative pedestrian/bicycle access between the remaining Warren Street right of way and the Virginia Tech campus be provided via a public easement in close proximity to the current Warren Street access.~~
- ~~That the existing vegetative buffer between 515 Houston Street and 510/512 Warren Street be retained or be replaced with a different species of vegetative buffer.~~

MEMORANDUM

To: Town Council

From: Planning Commission

Date: September 5, 2006

Subject: Ordinance 1421- 15.2 – 2232 Review, Application to Vacate Built and Unbuilt Public Right-of-Way in, and adjacent to, the 500 block of Warren Street

Planning Commission Recommendation: **APPROVAL**

For: Hensley; Howard; Jones; Lancaster; Lesko; Oliver

Against: Crawford

Abstain: None

Absent: None

In so recommending approval, the Planning Commission finds that, in accordance with a 15.2 – 2232 Review, the application to vacate public right-of-way appears to satisfy the criteria established by the Comprehensive Plan for the approval of a vacation.